

REMARKS

The concurrently-filed Rule 53(b) nonprovisional patent application includes claims 1-56 as originally filed and as prosecuted through the Response to the Office Action dated 06 November 2002:

Claims 1-31 (claims 1-20 and 47-57 of nonprovisional patent application Serial No. 09/826,209, as renumbered) are directed a "wheeled" embodiment having specified wheel configurations, e.g., "overlap", "transverse displacement", as described in the Rule 53(b) nonprovisional patent application.

Claims 32-57 (claims 21-22, 25-28, 31-46, and 74-76 as renumbered)are directed to the "flipper" embodiment depicted in Figures 1-7, 12A-12B, and 15A-15C of the Rule 53(b) nonprovisional patent application.

SPECIFICATION:

By means of this Preliminary Amendment, the Applicant has amended the specification of the Rule 53(b) continuation patent application filed concurrently herewith to define the lineage of such application (see "Cross-Reference to Related Applications"). Further, the Applicant has amended such specification in response to the Examiner's comments regarding the specification of nonprovisional U.S. patent application Serial No. 09/826,209 as set forth in the Final Office Action issued in connection therewith. Also, the specification has been amended to ensure consistency between the specification and FIGS. 1A, 3, as amended.

DRAWINGS:

FIG. 1B has been amended by deleting reference numeral "133" and associated lead line therefrom in response to the Examiner's objection to the drawings as set forth in the Final Office Action. New FIG. 1B is being submitted in conjunction with this Amendment.

The use of reference numeral "133" in FIG. 1B was intended to illustrate for the depicted embodiment that the centerline of articulation, as provided by the articulation element 133 depicted in FIG. 1A, was substantially coincidental to the second axle line, which is defined for the embodiment depicted in FIGS. 1A, 1B, 1C by the "axle" coupled to the wheel elements 114, 122. Since this usage of reference numeral "133" may be confusing, the Applicant has deleted reference numeral "133" and lead line from FIG. 1B.

Concomitantly, the Applicant has revised the specification at page 18, third full paragraph, to delete the first reference to FIG. 1A inasmuch as FIG. 1A does not depict the flipper

portion 130 of the body 110 in the forward position, but rather in an elevated-off-the-ground position (see description of FIGS. 1A, 1B at page 12 of the specification).

Based upon the foregoing changes, the Applicant respectfully submits that FIG. 1A (and FIG. 1B) as amended comply with 37 CFR §1.83. Section 1.83(a) requires only that:

The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical symbol or a labeled representation (e.g., a labeled rectangular box).

The Applicant has identified the articulation element in FIG. 1A by means of reference numeral "133". The Applicant has described this articulation element 133 as connecting the fore (or flipper) portion 130 of the body 110 to the aft body portion 132, see page 18, lines 6-16, and that this articulation element 133 can be a conventional mechanism such as a hinge, pivot, or flexible body portion. The Applicant has further disclosed, at page 18, lines 13-16, that the articulation element 133 enables the fore portion 130 to act as a "flipper" with respect to the aft body portion 132. Further, the Applicant has disclosed, at page 21, lines 14-15, that a drive module 134 (see FIG. 1A) is coupled to the flipper portion 130 to raise and lower the flipper portion 130 as required.

The Applicant respectfully submits that the application disclosure referenced in the preceding paragraph, in conjunction with the elements identified in FIG. 1A, is sufficient to enable a person skilled in the art to make and use the invention as claimed in the instant application without undue experimentation. Employment of block diagrams, or graphical representations of invention elements identified by reference numerals as employed in the instant application,, and descriptions of their functions is not fatal under 35 USC 112, first paragraph, providing the represented structure is conventional and can be determined without undue experimentation. *Hirschfeld v. Banner*, Commissioner of Patents, 200 USPQ 276, 281 (D.D.C 1978). *See also Spectra-Physics, Inc. v. Coherent, Inc.*, 3 USPQ2d 1737, 1743 (Fed. Cir.), cert. denied, 484 U.S. 954 (1987). Every detail need not appear in the specification, if the skill of the art is such that what does appear enables one skilled in the art to make and use the invention. The specification need not describe the conventional nor disclose what the skilled already possess. *Hirschfeld*, 200 USPQ at 281.

The Applicant respectfully submits that the articulation element 133 is sufficiently disclosed, both structurally (in terms of conventional examples of such articulation elements such as a hinge) and functionally, to enable one skilled in the art to practice the claimed subject matter of the instant application.

In the Final Office Action it was asserted that the two longitudinal boxes depicted in FIG. 1A "appear to prevent the body portions from any type of articulation as described in the specification and as suggested by figure 1B...." The Applicant respectfully controverts this assertion.

As discussed above, the Applicant submits that the written specification and the drawings of the instant application in combination are sufficient to enable one skilled in the art to practice the claimed invention of the instant application. FIG. 1A is described as a plan view of the wheeled platform 100, and accordingly, does not provide any explicit indication that the "two longitudinal elements" are so positioned as to prevent articulated movement of the flipper portion 130 with respect to the aft body portion 132 of the body 110. The presence of an allegedly inaccurately drawn figure does not, standing alone, establish inoperativeness or failure to provide the required specifications. *Afras S.p.A. v. Krauss-Maffei Corp.*, 5 USPQ2d 1145, 1184 (D. Del 1987).

And, in point of fact, the instant application specifically teaches, see page 22, lines 8-13, that the spur gear train (which transmits motive power from the drive module 230 to the first set of wheels 102 and/or from the drive module 231 to the second set of wheels - see page 22, lines 3-7) can bridge the articulation axis without any complication beyond an inconsequential interaction between actuation of articulation element 133 and limited rotation of the flipper-mounted wheels with respect to the base-mounted wheels.

Moreover, FIG. 1B, which is described as a side view of the wheeled platform 100 of FIG. 1A, clearly illustrates the flipper portion 130 rotated with respect to (or articulated about) the aft body portion 132. Therefore, the plan view of FIG. 1A depicts the flipper portion (130) rotated (or articulated) with respect to the aft body portion 132.

Finally, the Applicant would note that while FIG. 1B may depict the centerline of articulation as corresponding substantially to the second axle line, i.e., by the "axle" coupled to wheel elements 114 and 122, the Applicant has expressly disclosed that this is only an illustrated embodiment of an articulated wheeled platform according to the present invention. See page 16, lines 9-10. The disclosure of the instant application does not expressly limit the centerline of articulation of the flipper portion 130 with respect to the aft body portion 132 to one that is coincident with any specific axle line. See page 22, line 8-9.

In response to the objection to the drawings as set forth in the Final Office Action, the Applicant has amended FIGS. 1A and 3 by deleting reference numeral "125" and associated lead lines from these figures. New FIGS. 1A and 3 are being submitted in conjunction with this Amendment.

The insertion of reference numeral "125" in FIG. 1A as part of the Response to the First Office Action and the possible confusion that may have arisen therefrom was due to the presence

of reference numeral "125" in the formal version of FIG. 3 that was filed with the USPTO on 06 July 2001.

Should any questions arise concerning this Preliminary Amendment, or the concurrently-filed Rule 53(b) continuation application, the Examiner is cordially invited to telephone the undersigned attorney of record.

Respectfully submitted,
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